UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

AUG 1 5 2005

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHI-WEN LIU

Application 10/043,860

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 12, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the Image File Wrapper (IFW) reveals that appellants filed a Supplemental Amendment on July 27, 2004. There is no indication in the record of whether or not the examiner has considered the Amendment.

Application 10/043,860

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- for clarifying the entry of status of the Supplemental Amendment filed July 27, 2004:
- a. If the amendment is not to be entered, appellants' Appeal Brief filed July 27, 2004 is defective because it no longer contains an accurate appendix. See 37 CFR § 1.192(c)(9) (2004). Appellants should be notified to submit a new Appendix to the Appeal Brief which contains a correct copy of the claims, or the examiner should issue a Supplemental Examiner's Answer which contains a correct copy of claim 5;
- b. If the amendment is entered, appellants should be notified in writing regarding entry of the amendment.
 - 2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

By:

CRAIG R. FEINBERG

Program and Resource Administrator

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CRF/psb

Application 10/043,860

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